



DEPARTMENT OF LAW
OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

BOB CORBIN
~~XXXXXXXXXXXX~~
ATTORNEY GENERAL

February 8, 1979

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ARIZONA ATTORNEY GENERAL

Mr. William M. Braybrook
Acting Executive Director
Arizona State Justice Planning Agency
Suite 400
4820 North Black Canyon Freeway
Phoenix, Arizona 85017

Re: I79-40 (R78-313)

Dear Mr. Braybrook:

By your letter of October 25, 1978, you have asked us the following questions pertaining to the detention of juveniles:

1. Are juveniles allowed to be detained in jails used primarily for incarcerated adults?
2. Are such juveniles permitted to have sight and sound contact with such adults?

Arizona Constitution, Article 22, § 16, provides that minors under the age of 18 may not be confined in the same section of a jail or prison where adult prisoners are confined.¹ A.R.S. § 8-226 provides that each county shall maintain a juvenile detention center separate and apart from a jail or "lockup" in which adults are confined. In Anonymous Juvenile in Pima County v. Collins, 21 Ariz.App. 140, 143, 517 P.2d 98, 101 (1973), our Court of Appeals stated:

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The mandate of our statute [A.R.S. § 8-226] is crystal clear, i.e., exposure to, association with, or any type of contact with adults charged with or convicted of crimes is prohibited. . . . In so holding, we do not mean to imply that maintenance of a separate juvenile detention center within an existing jail facility, provided the statutory mandate is observed, is impermissible.

It is therefore the opinion of this office that a juvenile may be detained within the same building in which adult prisoners are detained. It is not permissible, however, to have any sight or sound contact between juvenile and adult prisoners.

Sincerely,



BOB CORBIN
Attorney General

BC:mm

See also In Atty.Gen.Op. No. 72-2, we said that Arizona Constitution, Article 22, § 16 prohibited a plan where juvenile and adult prisoners would be housed in separate facilities at night, but would commingle during the day in classrooms, shops, dining rooms and visitors's areas.